

REMARKS/ARGUMENTS

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks that follow is respectfully requested. These comments are intended to advance the case to issue without delay. The claims in the application were 1-11. By this amendment, claims 9 and 11 are cancelled. Accordingly, the claims now in the application are claims 1-8 and 10.

The abstract of the disclosure is objected to for use of the terms "is described", "said", and "means". Applicant has amended herein the abstract of the disclosure deleting the objected to language.

In the Office Action, claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. In this amendment, applicant has amended claim 4 to depend upon claim 1. Accordingly, claim 5 no longer depends upon a multiple dependent claim. Therefore, withdrawal of this objection is respectfully requested.

In the Office Action, claims 1 and 10 are objected to for informalities. More specifically, it is stated that in claim 1, line 1, "that" should be deleted and in claim 1, lines 6 and 7, and claim 10, line 8, "finger and thumb" should be – a finger and a thumb—. Applicant has made appropriate corrections to place the claims in proper form. Therefore, withdrawal of this objection is respectfully requested.

In the Office Action, claim 11 is also objected to because of informalities. This objection is moot in view of applicant's amendment herein cancelling claim 11.

In paragraphs 6 and 7 of the Office Action the drawings are objected to under 37 CFR 1.83(a). More specifically, the drawings are objected to because it is said that they fail to show the cross section symbolic of plastic of the moulded sheath as set forth in the claims and described in the specification.

Applicant does not understand the Examiner's objection regarding the drawings. The cross section symbolic of plastic of the moulded sheath is shown in Figures 2 and 3. Accordingly, applicant does not provide any drawing corrections in response to this objection and respectfully request that this objection to the drawings be withdrawn.

In paragraph 9 of the Office Action, claim 9 is rejected under 35 USC §112, second paragraph as being indefinite. This rejection is moot in view of applicant's amendment herein cancelling claim 9.

In paragraph 10 of the Office Action, claims 1-4, 6-8, 10 and 11 are rejected under 35 USC §112, second paragraph as being indefinite. It is asserted that in claims 1 and 10, it is unclear what are processing or having "a means" and "cutaway sections" - the bottle or sheath?

Applicant has amended claims 1 and 10 to more clearly state the claimed subject matter. Applicant believes that the amended claims make clear what are possessing/having "a means" and "cutaway sections". Therefore, withdrawal of this rejection is respectfully requested.

Claims 1-4, 6-8, 10 and 11 have been rejected under 35 USC §103(a) as being unpatentable over Farricielli (US Des. 327,431). Farricielli is cited as disclosing a package product comprising a container and a cover sheath, the sheath being closed at the top and open at the bottom, a means for releasably holding the container, cutaway sections in opposite sides that enable the container to be grasped between a finger and thumb and pulled from the sheath. It is further stated that Farricielli fails to disclose the sheath being plastic, however it is asserted that it would have been obvious to one having ordinary skill in the art to make the Farricielli cover sheath from plastic. The additional subject matter of claims 2-4, 6, 10 and 11 are also said to be disclosed or obvious in view of Farricielli. It is respectfully submitted that this rejection has been obviated by the above amendments and the arguments which follow.

The obviousness arguments based upon Farricielli are traversed by the amended claims hereby submitted. Claim 1 and 10 are amended to include the feature that the bottle or jar comprises a cap at its top, which is also held within the moulded plastic sheath when the latter is in place. Basis for this amendment may be found in the specification on page 7, lines 24-26. The invention offers a means of direct protection from physical damage of a bottle or jar (see page 3, lines 25-26). The bottle or jar now comprises a cap at its top, which is also protected from physical damage. Farricielli does not disclose nor suggest any such protection for a bottle or jar comprising a cap at its top. The applicant respectfully submits that the amended claims are not obvious in light of Farricielli nor any of the other prior art made of record.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin J. Stein", written over a horizontal line.

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